



**SO ORDERED.**

**SIGNED October 31, 2006.**

A handwritten signature in black ink, appearing to read "Robert Summerhays", is written over a horizontal line.

**ROBERT SUMMERHAYS  
UNITED STATES BANKRUPTCY JUDGE**

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**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION**

**IN RE:**

**ARTHUR DEATON**

**CASE NO. 06-50623**

**Debtor**

**CHAPTER 13**

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**MEMORANDUM RULING**

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This matter came before the Court on October 18, 2006, on a hearing on a motion for relief from the automatic stay filed by Alyne P. Trahan. Ms. Trahan contends that she is the owner of a mobile home that she rents to the debtor, Arthur E. Deaton. Mr. Deaton filed for relief under Chapter 13 of the Bankruptcy Code on August 11, 2006, and has filed a plan that is set for a confirmation hearing on November 29, 2006. Ms. Trahan contends that Mr. Deaton has not paid rent on the mobile home since October 2005. Ms. Trahan filed a Petition for Eviction on July 5, 2006, in the 15<sup>th</sup> Judicial District Court, Lafayette Parish, Louisiana. However, the foreclosure proceedings were stayed when Mr. Deaton filed his Chapter 13 petition. Ms. Trahan requests relief from the automatic stay so that she can continue with the foreclosure proceedings in state court.

Mr. Deaton contends that relief from the stay is inappropriate at this early stage in the case. He contends that he has attempted to pay rent after October 2005, but that Ms. Trahan has refused to accept the rent payments that were tendered. During oral argument, counsel for Ms. Trahan conceded that at least two payments were received from Mr. Deaton. Counsel for Mr. Deaton further indicated that Mr. Deaton plans to assume the lease and provide for rent payments through the plan.

Given the early stage of this case, the Court agrees with the debtor that relief from the stay is premature at this juncture. The debtor has attempted to make payments to Ms. Trahan, and those payments have been refused. Moreover, this case was commenced just over two months ago, and the plan is set for confirmation on November 29, 2006. At that point, Ms. Trahan can raise objections to plan confirmation.

Accordingly, based on the parties' pleadings and arguments, the Court **DENIES** Ms. Trahan's motion for relief from the automatic stay **WITHOUT PREJUDICE** to her renewing her request for relief at confirmation.

**IT IS SO ORDERED.**

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